



1995 SENATE BILL 272

July 12, 1995 - Introduced by Senators FITZGERALD, ZIEN, COWLES, PANZER, BUETTNER and BURKE, cosponsored by Representatives FOTI, WARD, HANDRICK, POWERS, OTTE, KREIBICH, F. LASEE, GREEN, RYBA and OLSEN. Referred to Committee on Transportation, Agriculture and Local Affairs.

- 1 **AN ACT to amend** 345.11 (1g) and (5); and **to create** 342.15 (1m) and 342.15 (5r)
2 of the statutes; **relating to:** transfer of interest in junk vehicles, unlicensed
3 motor vehicle salvage dealers and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or possesses a junk vehicle that has not been junked or destroyed must return the certificate of title for the vehicle to the department of transportation (DOT) within 10 days after determining the junk condition of the vehicle. A "junk vehicle" is a vehicle that is incapable of operation or use upon a highway and which has no resale value except as a source of scrap or parts or a vehicle that an insurance company owns or possesses if the estimated cost of repairing the vehicle exceeds its fair market value.

This bill provides that a junk vehicle may be transferred only to a licensed motor vehicle salvage dealer (a person who purchases and resells motor vehicles for wrecking, processing, scrapping, recycling or dismantling purposes or who conducts the business of wrecking, processing, scrapping, recycling or dismantling motor vehicles or selling parts of those vehicles). This transfer restriction does not apply to certain abandoned vehicles or to motor vehicles that are subject to liens for towing and storage.

A person who violates this transfer restriction with respect to a junk vehicle, either as the seller or buyer of the junk vehicle, may be required to forfeit not more than \$1,000 for each violation.

Current law requires all motor vehicle salvage dealers to be licensed by DOT. An unlicensed motor vehicle salvage dealer may be fined not less than \$25 nor more than \$200 or imprisoned for not more than 60 days or both. This bill permits the uniform traffic citation form to be used for violations of this licensure requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 342.15 (1m) of the statutes is created to read:

2 342.15 **(1m)** (a) No owner of a junk vehicle may transfer his or her interest in
3 the junk vehicle except to a licensed motor vehicle salvage dealer.

4 (b) No person other than a licensed motor vehicle salvage dealer may acquire
5 an interest in a junk vehicle from the owner of the junk vehicle.

6 (c) Paragraphs (a) and (b) do not apply to the sale, disposition or acquisition of
7 a junk vehicle following the procedure under s. 342.40 (3) (c) or 779.415 (2).

8 **SECTION 2.** 342.15 (5r) of the statutes is created to read:

9 342.15 **(5r)** Any person who violates sub. (1m) may be required to forfeit not
10 more than \$1,000 for each violation.

11 **SECTION 3.** 345.11 (1g) and (5) of the statutes are amended to read:

12 345.11 **(1g)** The uniform traffic citation may be used for violations of ~~s. ss.~~
13 218.01 (2) (a) and 218.205 (1). The report of conviction shall be forwarded to the
14 department.

15 **(5)** Notwithstanding any other provision of the statutes, the use of the uniform
16 traffic citation promulgated under sub. (4) by any peace officer in connection with the
17 enforcement of any state traffic laws, any local traffic ordinances in strict conformity
18 with the state traffic laws or s. 218.01 (2) (a) or 218.205 (1) shall be deemed adequate
19 process to give the appropriate court jurisdiction over the person upon the filing with
20 or transmitting to the court of the uniform traffic citation.

21 **SECTION 4. Effective date.**

